

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

WP(C).No. 21502 of 2006(I)

PETITIONER:

**THANKAMANI, D/O. BHAVANI,
CHARUVILA VEEDU, PERUMPUZHA, ELAMALLOOR VILLAGE
(OLD KOTTAMAKARA VILLAGE) KOLLAM TALUK.**

**BY ADV. SRI.V.BHASKARAN PILLAI
SRI.B.VINOD
SMT.V.JISHA RANI**

RESPONDENTS:

**SPECIAL TAHSILDAR,
LAND ACQUISITION, KALLADA
IRRIGATION PROJECT
KOTTIYAM.**

ADDITIONAL RESPONDENT IMPLEADED

- 2. LAND REVENUE COMMISSIONER,
STATE OF KERALA, TRIVANDRUM,**
- IS IMPLEADED SUO MOTO AS
ADDL. RESPONDENT BY ORDER
DATED 17.9.2007**

BY GOVERNMENT PLEADER SHRI BEENY VARGHESE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K. PADMANABHAN NAIR, J.

=====

W.P(C) NO. 21502 OF 2006

=====

Dated this the 30th day of October, 2007

J U D G M E N T

In view of the affidavit filed by the Land Revenue Commissioner explaining the action taken to clear off the arrears and also in view of the averment that the application submitted by the petitioner had already been disposed of, no further orders are necessary in this Writ Petition.

In the result, Writ Petition is closed.

K. PADMANABHAN NAIR, JUDGE.

VSV

K. PADMANABHAN NAIR, J.

W.P(C) NO. 21502 OF 2006

J U D G M E N T

30TH OCTOBER, 2007

Dated this the 20th day of September, 2007

ORDER

In view of the importance of the matter arising in this case, the State of Kerala, represented by the Land Revenue Commissioner, Thiruvananthapuram, is impleaded as additional second respondent.

2. In a number of cases this Court has pointed out the

lethargic delay on the part of the Land Acquisition Officers in the State in depositing the additional compensation awarded by the LA courts and also in dealing with the applications filed under Section 28A and 28A(3) of the Land Acquisition Act.

3. In the additional counter affidavit filed by the Land Acquisition Officer it is stated that 28A applications filed from the year 1987 onwards are pending. This Court has already pointed out that for every year State has to pay interest at the rate of 15% to the claimants for the amounts awarded to them. Lakhs and Lakhs of rupees are being paid by way of interest which will seriously affect the financial position of the State. This Court also expressed the opinion that some specific action has to be taken against the Officers who are responsible for the delay in dealing with such matters. So the additional second respondent is directed to file an affidavit within three weeks from today stating as to what action the Government proposes to take to clear the arrears due under the decrees passed in the different land acquisition references and also 28A and 28A(3) applications, failing which this Court will be constraint to take stringent action including

restraining the Land Acquisition Officers from acquiring lands.

4. Communicate a copy of the order to the additional second respondent forthwith, for compliance. Hand over copy of the order to the petitioner as well as the Government Pleader.

Post on 12.10.2007.

K. PADMANABHAN NAIR, JUDGE.

K. PADMANABHAN NAIR, J.

A.S.. NO. 315 OF 1992

J U D G M E N T

4TH SEPTEMBER, 2007